IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 26183 of 2005

Between:

Nalanda Educational Institutions, Rep by its Secretary/Correspondent,
A. Vijaya Babu, Vijayawada, Krishna District.

..... PETITIONER

AND

The Vijayawada Municipal Corporation,

represented by its Commissioner, Vijayawada,
Krishna District.

.....RESPONDENT

The Court made the following:

ORDER:

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Questioning the action of the respondent in demolishing the premises (Second School) of the petitioner in Door No.40-27-16, situated at PPC Road, Benz Circle, Vijayawada without issuing any notice for demolition, the present writ petition has been filed.

The main grievance of the petitioner is that the petitioner institution is running a school in the premises Door No.40-27-16, situated at PPC Road, Benz Circle, Vijayawada. After obtaining necessary permission from the Municipal Corporation the petitioner institution constructed the said building. Now, the respondent-Corporation is threatening to demolish the said building on the ground that the petitioner institution has constructed the said building in violation of the sanctioned building plan. Challenging the said action, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

Having heard the learned counsel for the petitioner, I am of the considered view, if there are any deviations made contrary to the sanctioned plan, it is for the respondent to issue a notice specifying the deviations and take appropriate action in accordance with law. But, without issuing any notice, the respondent cannot take any action for demolition of the building.

Therefore, without going into the merits of the case, I deem it appropriate to direct the respondent not to take any coercive steps including demolition of the building in question without issuing any notice for demolition.

With the above direction, the writ petition is disposed of. No order as to costs.

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(V. ESWARAIAH, J)

Date: 07.12.2005

Note: Issue C.C. tomorrow.

B.O.

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